

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v. // CRIMINAL ACTION NO. 1:14CR39-3
(Judge Keeley)

APRIL DAVIS,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
(DKT. NO. 105) AND DENYING AS MOOT PRETRIAL MOTIONS
(DKT. NOS. 52 AND 53)

On July 7, 2014, defendant April Davis ("Davis") filed a motion to suppress all documents seized based upon search warrants issued October 7, 2013, and April 14, 2014, (dkt. no. 52) and a motion to exclude the testimony of witness B.S. (dkt. no. 53). On September 23, 2014, Davis pleaded guilty to Count One of the Information (1:14-CR-62, dkt. no. 10), and the Court adopted Magistrate Judge John Kaull's order and opinion regarding Davis' plea of guilty on October 8, 2014 (1:14-CR-63, dkt. no. 14).

On October 7, 2014, Judge Kaull entered a report and recommendation recommending that the Court deny as moot Davis' pretrial motions (dkt. nos. 52 and 53) given her plea of guilty. Davis did not file any objection to Judge Kaull's report and recommendation. The Court agrees that Davis' plea of guilty, which

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was not entered conditionally, renders her pretrial motions moot. Therefore, the Court **ADOPTS** the report and recommendation (dkt. no. 105) and **DENIES AS MOOT** Davis' pretrial motions to suppress (dkt. nos. 52 and 53).

The Court **DIRECTS** the Clerk to transmit copies of this order to counsel of record.

DATED: October 23, 2014

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE